

Message Text

PAGE 01 STATE 296628

22/21

ORIGIN DLOS-04

INFO OCT-01 ISO-00 /005 R

66011

DRAFTED BY:D/LOS:VPRANDOLPH

APPROVED BY:D/LOS-ALAN G. JAMES

----- 052890

R 062248Z DEC 76

FM SECSTATE WASHDC

INFO AMEMBASSY PARIS 5315-5316

C O N F I D E N T I A L STATE 296628

C O R R E C T E D C O P Y (CAPTION OMITTED)

FOR USDEL TO GROUP OF 5 LAW OF THE SEA TALKS IN PARIS

(LEARSON, OXMAN AND CLINGAN)

FOLLOWING REPEAT KUALA LUMPUR 6969 ACTION SECSTATE, LONDON,

MOSCOW, SINGAPORE, TOKYO DTD 06 DEC 6

QTE: C O N F I D E N T I A L KUALA LUMPUR 6969

E.O. 11652: GDS

TAGS: PLOS, MY, UK. UR

SUBJECT: LOS: MALACCA STRAIT TRAFFIC SCHEME; US-GOM LOS

CONSULTATIONS; USSR-GOM SHIPPING TALKS

REF: (A) KUALA LUMPUR 6834, (B) KUALA LUMPUR 6825, (C) STATE 286159

1. SUMMARY. MFA OFFICIAL IN CHARGE OF LOS MATTERS CONFIRMEDM
SUBSTANCE OF REFTELS A AND B LAST WEEK, CLAIMING THAT UNDER KEEL
CLEARANCE HAD BEEN CHIEF PROBLEM IN AGREEMENT BETWEEN MALACCA
STRAIT STATES AND EXPRESSING CONFIDENCE THAT AGREEMENT WOULD BE
REACHED ON UKC AND TRAFFIC SEPARATION SCHEME AT SENIOR OFFICIALS
MEETING (SOM) TO BE HELD BETWEEN DEC 15 AND 24. HE ALSO
CONFIRMED THAT GOM DOES NOT WANT IMCO TO REVIEW TSS BUT MERELY
DESIRES IMCO APPROVAL. THEREFORE, IT IS DOING ITS BEST TO HAVE
SCHEME CONFORM TO ACCEPTABLE NORMS (E.G. DOVER STRAIT TSS) AND
WAS CONSULTING USERS ORGANIZATIONS TO ENSURE THEY DO NOT HAVE
MAJOR OBJECTIONS. HE REAFFIRMED THAT GOM DOES NOT BELIEVE SCHEME
CAN BE SUBMITTED FOR IMCO APPROVAL THIS YEAR, SPECULATING
CONFIDENTIAL

PAGE 02 STATE 296628

THAT IT WOULD BE CONSIDERED AT 1978 IMCO ASSEMBLY. PARAM
RECOMMENDED THAT PROPOSED US-GOM CONSULTATIONS ON LOS MATTERS
BE HELD AFTER BOTH THE SOM THIS MONTH AND THE FINAL FOREIGN
MINISTER'S MEETING TO APPROVE THE TSS WHICH HE BELIEVES WILL

TAKE PLACE IN FIRST THREE WEEKS OF JANUARY 1977. HE ASKED FOR AN INDICATION WHEN US-GOM TALKS MIGHT BE SCHEDULED. END SUMMARY.

2. DURING PAST WEEK, POLOFF MET WITH MFA OFFICIAL IN CHARGE OF LOS MATTERS, PRINCIPAL ASSISTANT SECRETARY N. PARAMESWARAN, AND WITH UK HEAD OF CHANCERY VSMOTHY GEE. PARAM GENERALLY CONFIRMED THE INFORMATION CONTAINED IN REFTEL B, BUT SAID THAT THE SENIOR OFFICIAL'S MEETING (SOM) TO FINALIZE THE MALACCA STRAIT TRAFFIC SEPARATION SCHEME (TSS) IS NOW LIKELY TO TAKE PLACE BETWEEN DECEMBER 15 AND 24, 1976. MFA DEPUTY SEC GEN AHMAD ZAINAL WILL HEAD THE GOM DELEGATION AND, ONCE AGREEMENT IS REACHED, A FOREIGN MINISTER'S MEETING WILL BE HELD TO GIVE FINAL APPROVAL. PARAM WAS REASONABLY CONFIDENT THAT THIS WOULD BE THE LAST SOM AND FORECAST THAT FONMINS WOULD MEET SOMETIME IN THE FIRST THREE WEEKS OF JANUARY 1977.

3. IMCO APPROVAL: PARAM STATED THAT MALAYSIA (AND BY IMPLICATION INDONESIA AND SINGAPORE) INTENDS TO SEEK IMCO "ACCEPTANCE" OF THE TSS BUT DOES NOT WISH TO HAVE THE SCHEME AMENDED BY THAT ORGANIZATION. IN ORDER TO ENSURE THAT IMCO WOULD HAVE NO STRONG OBJECTIONS, THE THREE STRAITS STATES HAD DESIGNED THE TSS TO CONFORM TO INTERNATIONAL STANDARDS (HE SPECIFICALLY MENTIONED THE DOVER STRAIT TSS) AND HAD BEEN IN CONSULTATION WITH THE MAIN USER ORGANIZATIONS--MALACCA STRAITS COUNCIL, OIL COMPANIES INTERNATIONAL MARINE FORUM, AND INTERNATIONAL CHAMBER OF SHIPPING--TO MAKE CERTAIN THAT THEY WOULD HAVE NO MAJOR OBJECTIONS. (HE NOTED IN PASSING THAT TSS WOULD NOT BE CONTINUOUS FOR LENGTH OF STRAIT BUT WOULD APPLY ONLY TO NARROWEST SEGMENTS.) WITH REGARD TO IMCO APPROVAL, HE REFERRED TO THE MALAYSIAN PROPOSAL CIRCULATED AT THE END OF THE LAST LOS CONFERENCE IN WHICH, PARAM CLAIMED, GOM SAID IT WAS PREPARED TO ACCEPT PARAGRAPHS 1 THROUGH 3 OF ARTICLE 39 OF THE REVISED SINGLE NEGOTIATING TEXT (RSNT) BUT COULD NOT AGREE TO THE PRESENT WORDING OF PARAGRAPH 4 WHICH WOULD GIVE INTERNATIONAL ORGANIZATIONS A VETO OVER SCHEMES ORIGINATED BY LITTORAL STATES AND THEREFORE GAVE THEM A FORM OF SOVEREIGNTY. CONFIDENTIAL

PAGE 03 STATE 296628

IN ANY EVENT, HE SAID, IMCO APPROVAL IS SECONDARY TO AGREEMENT AMONG THE STRAITES STATES AND THERE THE PROBLEM OF UNDER KEEL CLEARANCE (UKC) RATHER THAN TSS RULES WAS PARAMOUNT. HE REITERATED THAT IT IS UNREALISTIC FOR THE BRITISH TO SUGGEST (REFTEL A) THAT THE TSS BE SUBMITTED FOR APPROVAL BY IMCO IN 1977 BUT BELIEVES THAT IT IS LIKELY TO BE CONSIDERED AT THE 1978 IMCO ASSEMBLY. IN THE MEANTIME, ONCE THE SCHEME HAS TRI-STATE APPROVAL, VOLUNTARY ADHERENCE WILL BE REQUESTED FROM THE USERS GROUP.

4. GEE HAS FURNISHED EMBASSY WITH COPY OF AIDE MEMOIRE WHICH WAS LEFT WITH PARAM LAST WEEK IN WHICH, TAKING ACCOUNT OF EARLIER CONVERSATIONS, BRITISH PROPOSED THAT ONCE TSS

APPROVED BY LITTORAL STATES AND "DISCUSSED AND AGREED" WITH PRINCIPAL USER STATES THE SCHEME SHOULD BE SUBMITTED TO IMCO FOR APPROVAL. AIDE MEMOIRE NOTES THAT A SIMILAR PROCEDURE WAS FOLLOWED FOR THE STRAIT OF DOVER AND THE BALTIC ENTRANCES. PAPER OUYWUSSES THE 1972 COLLISION REGULATIONS, THE EXTENT OF TS SCHEMES (I.E. THEIR LIMITATION TO "PARTICULAR AREAS"), POSITION FIXING, MARITIME SAFETY, AND DEEP-WATER ROUTES. THE IMCO RECOMMENDATION ON NAVIGATION THROUGH THE BALTIC ARE APPENDED. IN ADDITION, THE AIDE MEMOIRE REPEATS THE EARLIER BRITISH OFFER OF TECHNICAL ASSISTANCE IN DRAFTING TSS. (COPY WILL BE POUCHED TO DEPT.)

5. UKC AND JAPAN: PARAM WOULD NOT CONFIRM THAT LIKELY COMPROMISE AT SOM WOULD BE 3.5 METER UKC. HE ACKNOWLEDGED, HOWEVER, THAT GOM IS PREPARED TO GIVE UP PREVIOUS DEMAND FOR 4 METERS. WITH REGARD TO JAPANESE INSISTANCE IN 3 METERS, PARAM SAID JAPANESE HAVE NO CHOICE BUT TO ACCEPT THREE STATE DECISION, BUT EMPHASIZED THAT COMPROMISE WOULD BE "ONLY A FEW CENTIMETERS" FROM JAPANESE MINIMUM POSITION (WHICH EMBASSY HAS BEEN TOLD BY GEE IS 3.5 METERS) THUS THEY WOULD NOT HAVE STRONG GROUNDS FOR COMPLAINT.

6. SOVIET UNION: PARAM ALSO CONFIRMED SUBSTANCE OF REFTTEL A AND EMBASSY SPECULATION THAT SOVEITY DEPUTY MINISTER OF SHIPPING AND MARINE TIKHONOV HAD DISCUSSED POSSIBILITY OF A CONTRACT FOR RUSSIAN SHIPS TO CARRY A PORTION OF MALAYSIAN RUBBER EXPORTS TO EUROPE IN 1977.

7. US-GOM CONSULTATIONS: POLOFF ASKED WHETHER IT WOULD BE CONFIDENTIAL

PAGE 04 STATE 296628

USEFUL FOR US REPRESENTATIVES TO VISIT MALAYSIA FOR LOS CONSULTATIONS THIS YEAR AS ORGINALLY PROPOSED BY THE US AND ACCEPTED BY THE GOM. PARAM REPLIED THAT THERE WOULD BE NO POINT IN THE US UNDERTAKING BILATERAL CONSULTATIONSUNTIL AFTER THE SOM MEETING AND, HE PERSONALLY FELT, IT PROBABLY WOULD BE BETTER TO WAIT UNTIL AFTER THE FOREIGN MINISTERS OF THE THREE MALACCA STRAIT STATES HAD FORMALLY APPROVED THE TSS. FOR PLANNING PURPOSES, HE ASKED THAT THE USG INFORM THE GOM FORMALLY WHEN IT WOULD PREFER TO UNDERTAKE THESE CONSULTATIONS. (WITH RESPECT TO POSSIBLE MULTILATERAL CONSULTATIONS PROPOSED BY EMBASSIES SINGAPORE AND JAKARTA, POLOFF DID NOT MENTION THESE DIRECTLY, BUT MANAGED TO EXTRACT FROM PARAM THE INFORMATION THAT BILATERAL TALKS WITH INDONESIA ON AIR AND SEA TRANSIT OF THE ANAMBAS-NATUNA ISLANDS SALIENT ARE NOT GOING SMOOTHLY. FOR THIS, AND REASONS RELATING TO THE PERSONALITY OF THE CHIEF MALAYSIAN NEGOTIATOR, LAW MINISTER TAN SRI KADIR BIN YUSOF, KUALA LUMPUR FEELS THAT BILATERAL TALKS WOULD BE MORE PRODUCTIVE IN THIS INITIAL PHASE.)

8. ACTION: PLEASE ADVISE TIME FRAME IN WHICH CONSULTATIONS DESIRED BY USG.
UNDERHILL

UNQTE: KISSINGER

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 16 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, STRAITS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE296628
Document Source: ADS
Document Unique ID: 00
Drafter:
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D760451-0221
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761293/baaaeqwb.tel
Line Count: 166
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 23 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 APR 2004 by BoyleJA>; APPROVED <16 AUG 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: MALACCA STRAIT TRAFFIC SCHEME; US-GOM LOS
TAGS: PLOS, MY, UK, UR
To: n/a INFO PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006